

*City of Las Vegas*

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 7, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-29566 - APPLICANT/OWNER: DIBELLA LIVING TRUST**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for Rezoning of 0.55 acres from R-1 (Single Family Residential) and P-R (Professional Office and Parking) to C-1 (Limited Commercial) on 0.76 acres at the southwest corner of Charleston Boulevard and Pahor Drive. The site consists of three parcels used for a floral shop, office, and storage. Two of the subject parcels are to be rezoned, while the third parcel has an existing zoning of C-1 (Limited Commercial).

A General Plan Amendment (GPA-29565) to amend a portion of the Southeast Sector Plan of the General Plan from the O (Office) land use designation to a SC (Service Commercial) land use designation and a Site Development Plan Review (SDR-31595) for a 5,105 square-foot Retail Development with Waivers of the Building Placement and Orientation Standards, to allow a five-foot landscape buffer along a portion of the east perimeter and to allow a four-foot landscape buffer along the west perimeter where eight feet is required have been submitted as companion items to this application. Staff is recommending denial of this Rezoning request as it is an inappropriate zoning district for the area, pursuant to the land use strategy denoted by the Rancho Charleston Land use Study.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/16/64	The Board of City Commissioners denied a request to Reclassify property (Z-0037-63) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) at the southwest corner of West Charleston Boulevard and Pahor Drive. The Planning Commission recommended approval of this request.
01/20/65	The Board of City Commissioners denied a request to Reclassify property (Z-0092-64) generally located on the south side of West Charleston Boulevard between Rancho Road and Pahor Drive from R-E (Residence Estates) to C-1 (Limited Commercial). The Planning Commission recommended denial of this request.
07/03/74	The Board of City Commissioners approved a request to Reclassify property (Z-0022-74) generally located on the south side of Charleston Boulevard between Pahor Drive and Rancho Road from R-E (Residence Estates) to C-1 (Limited Commercial) and R-1 (Single Family Residential). The Planning Commission recommended approval of this request.
09/05/84	The City Council approved a request to Reclassify property (Z-0058-84) from R-1 (Single Family Residential) to C-1 (Limited Commercial), located at 2021 West Charleston Boulevard for a proposed Floral Shop. The Planning Commission recommended and staff recommended approval of this request.

12/07/88	The City Council approved a request to Reclassify property (Z-0115-88) from R-1 (Single Family Residential) to C-1 (Limited Commercial) located at the west side of Pahor Drive, south of Charleston Boulevard for a proposed Office and Storage Facility for a Floral Shop. The Planning Commission and staff recommended approval of this request.
02/23/89	The Board of Zoning Adjustments approved a request for a Variance (V-0009-89) to allow storage for an existing flower shop on the adjoining property to the north (1106 Pahor Drive), where commercial storage is not permitted. Staff recommended denial of this request.
11/07/02	The Planning Commission approved a request for a Site Development Plan Review (SDR-1014) and a reduction of the on-site perimeter landscape requirements for a proposed restaurant at 7185 West Charleston Boulevard. Staff recommended approval of this request.
10/09/08	The Planning Commission approved a request to hold in Abeyance a request for Rezoning (ZON-29566) from R-1 (Single Family Residential) and P-R (Professional Office and Parking) to C-1 (Limited Commercial) and a General Plan Amendment (GPA-29565) to amend a portion of the Southeast Sector Plan of the General Plan from O (Office) to SC (Service Commercial) to allow the applicant time to prepare an associated Site Development Plan Review application.
12/04/08	The Planning Commission recommended approval of companion items GPA-29565 and SDR-31595 concurrently with this application.  The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #16/dc).
<b><i>Related Building Permits/Business Licenses</i></b>	
01/01/51	A business license (F04-00065) was issued for a florist at 2021 West Charleston Boulevard. The license is still active.
09/26/90	A building permit (#90083963) was issued for an illuminated pylon sign at 2021 West Charleston Boulevard. The project was completed on 11/27/90.
01/23/96	A business license (N06-00318) was issued for an administrative office at 1106 Pahor Drive. The license is still active.
01/26/96	A business license (L33-00039) was issued for lawn maintenance at 2021 West Charleston Boulevard. The license is still active.
12/17/04	A business license (M18-03076) was issued to a consulting firm at 2021 West Charleston Boulevard. The license was marked out of business on 11/02/06.
<b><i>Pre-Application Meeting</i></b>	
08/06/08	A pre-application meeting was held with the applicant to discuss Title 19 and Rezoning submittal requirements.

<b><i>Neighborhood Meeting</i></b>	
09/09/08	<p>A neighborhood meeting was held on Tuesday, September 9, 2008 at 6:00 p.m. at Las Vegas Lodge #1468 located at 4100 West Charleston Boulevard, Las Vegas, Nevada 89102. The applicant gave a brief description of the proposed change in land use designation, rezoning and future plans for the site. Members of the public had the following questions and concerns relative to the applications:</p> <ul style="list-style-type: none"> <li>• Residents had concerns about the height of the structure to be built on the site. The applicant responded that the proposed building will be no more than two stories in height, and that a Site Development Plan Review (SDR) application will be filed once the General Plan Amendment and Zoning applications are approved.</li> <li>• Residents requested clarification about the boundaries of the proposed land use change and rezoning. The applicant confirmed that the applications pertain solely to the parcels where the current business/structures are located.</li> <li>• Concerns were expressed that the applicant would “flip” the property upon receiving entitlements.</li> <li>• Concerns were expressed about commercial traffic on Pahor Drive. The applicant explained that the principal access to the property was from Charleston Boulevard, and the driveway on Pahor Drive was only to be used by his own delivery trucks.</li> </ul>
<b><i>Field Check</i></b>	
09/02/08	A field check of the subject area was performed, where it is noted that the overall appearance of the business was neat and clean.
<b><i>Details of Application Request</i></b>	

<b><i>Site Area</i></b>	
Gross Acres	0.76

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Flower Shop	O (Office)	C-1 (Limited Commercial)
North	Hospital and Medical Offices	UMC (Las Vegas Medical District)	PD (Planned Development)
South	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Office	O (Office)	C-1 (Limited Commercial)
	Parking	O (Office)	R-1 (Single Family Residential)
West	Convalescent Homes	O (Office)	C-1 (Limited Commercial)



<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>	X		
Rancho Charleston Land Use Study	X		N*
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>	X		Y
A-O Airport Overlay District (200 feet)	X		Y**
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

\* The proposed Rezoning (ZON-29566) to C-1 (Limited Commercial) and General Plan Amendment (GPA-29565) from O (Office) to SC (Service Commercial) is not in conformance with the land use goals and strategies identified within the Rancho Charleston Land Use Study.

\*\* The subject site is within the 200-foot contour limitation and does not exceed the height limitations, and is therefore in compliance with the Airport Overlay District.

## ANALYSIS

This is a request for a Rezoning of property from R-1 (Single Family Residential) and P-R (Professional Office and Parking) to C-1 (Limited Commercial). The C-1 (Limited Commercial) zoning district is intended to provide most retail and personal services, and may be appropriate for mixed-use development. This district should be confined to the intersections of primary and secondary thoroughfares along major retail corridors.

There is an affiliated application, General Plan Amendment (GPA-29565), proposing to change the current land use designation of O (Office) to SC (Service Commercial). The subject parcels are designated O (Office) on the Southeast Sector Plan Map of the General Plan and on the Rancho Charleston Land Use Study Map. The Office category allows for small lot office conversions as a transition, along primary and secondary streets, from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional, and financial offices as well as offices for individuals, civic, social, fraternal, and other non-profit organizations.

The Rezoning of this property is not compatible with the surrounding areas. The Rancho Charleston Land Use Study was initiated to address the concerns of those families residing in the older, more established neighborhoods. It helped to preserve the quality, character, and style of existing neighborhoods by adding a buffer from the impacts of non-residential uses to the single-family dwellings in the surrounding areas.

Additionally, if the C-1 (Limited Commercial) zoning district is approved for the subject properties, the development standards for allowable uses and building height will increase significantly. Within the existing O (Office) zoning district, which is in conformance with the existing General Plan land use designation, the maximum building height allowed for the proposed parcel would remain at 35 feet. Within the proposed C-1 (Limited Commercial) zoning district the maximum building height allowed increases to ten stories or 150 feet, whichever is less, on the subject property. The uses permitted within the existing O (Office) zoning district include medical or dental offices, business offices, copy centers, small restaurants and other similar professional uses. The uses permitted in the proposed C-1 (Limited Commercial) zoning district include all General Retail uses, Smog Check facilities, Wedding Chapels, Restaurants with Drive-Through uses, Service Stations, Self Service Laundries, Clinics, Emergency Ambulatory Services and other similarly intense uses. Therefore, staff is recommending denial of this request, along with the affiliated General Plan Amendment (GPA-29565).

## **FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. “The proposal conforms to the General Plan.”**

The applicant has submitted a General Plan Amendment (GPA-29565) to amend the current O (Office) General Plan designation to SC (Service Commercial) to allow low to medium intensity retail, office, or other commercial uses that primarily serve local area patrons. The Rezoning of the subject sites from R-1 (Single Family Residential) and P-R (Professional Office and Parking) to C-1 (Limited Commercial) does not conform to the current General Plan designation. If the proposed General Plan Amendment (GPA-29565) is approved, the proposed zoning will conform to the General Plan. However, the Rancho Charleston Land Use Study deemed this site O (Office) and the proposed General Plan Amendment (GPA-29565) would contradict the intent of this study.

**2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

Although the requested C-1 (Limited Commercial) zoning district is the appropriate zoning district for the requested SC (Service Commercial) General Plan Land Use designation, this zoning district is incompatible with the surrounding residentially zoned properties and with the Rancho Charleston Land Use Study.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

Growth and development factors in the community do not indicate the need for the Rezoning, nor its appropriateness. The subject sites are designated O (Office) by the Las Vegas 2020 Master Plan and Rancho Charleston Land Use Study in order to provide a transition along primary and secondary streets from residential to commercial uses. The subject site provides this transition for the R-1 (Single Family Residential) and P-R (Professional Office and Parking) zones properties to the east, west and south, and the PD (Planned Development) zoned properties to the north.

**4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Adequate access to the site is provided by Charleston Boulevard, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. Pahor Drive, a 51-foot Local Street as designated by the Master Plan of Streets and Highways, provides secondary access to the subject site. Rezoning the properties to a C-1 (Limited Commercial) zoning district will intensify the land use and vehicular traffic.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 10

**SENATE DISTRICT** 9

**NOTICES MAILED** 86 by City Clerk

**APPROVALS** 2

**PROTESTS** 0